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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,421	08/24/2001	Denis Fauconnier	522-1742	4233

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Lee Mann Smith McWilliams
Sweeney & Ohlson
PO Box 2786
Chicago, IL 60690-2786

EXAMINER

CHASE, SHELLY A

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,421

Applicant(s)

FAUCONNIER, DENIS

Examiner

Shelly A Chase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 1-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-34, 45, 47 and 49 is/are allowed.
- 6) ☒ Claim(s) 26-44, 46, 48, 50-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 to 25 are presented for examination. The preliminary amendment filed 8-24-2001 add new claims 26 to 62 and canceled claims 1 to 25.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119, which papers have been placed of record in the file.

Information Disclosure Statement

3. The references listed in the information disclosure statement submitted on 2-8-2002 have been considered by examiner (see attached PTO-1449). Please provide a copy of Matsumoto et al. reference.

Specification

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
5. The disclosure is objected to because of the following informalities:
 - i) the pages numbering is not customary format i.e., the pages are numbered as 1 to 5 then 6a, followed by 6b.
 - ii) page 6b includes a blank space that requires correction.Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 26 to 30 and 35 to 62 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite because:

i) claim 26 recites "first and second signals nominally containing the same user information" in line 4, this language is vague and unclear. Claims 27 to 30, 44, 46 and 48 are also rejected due to their dependency on a rejected base claim.

ii) claim 35 recites the functional language "adapted to" in line 3 and "adapted so" in line 7, which does not define any structure, thus rendering an indefinite claim. Claims 39, 50, 53 and 56 are also rejected due to their dependency on a rejected base claim.

iii) independent claims 36, 38, 61 and 62 all have the functional language "adapted to".

Allowable Subject Matter

8. Claims 31 to 34, 45, 47 and 49 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record teaches a method for forward error correction coding and

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puncturing signals for a communication system. However, the prior art taken alone or in combination fail to teach or fairly suggests the novel features of the instant invention.

For instance, Tzukerman et al. (USP 5438590), teaches a digital data communication system wherein the received data is convolutional encoded into a first and second data signal having different coding rates during different periods. The teaches of Tzukerman does not suggest or render obvious the claimed invention of a method of operating a receiver in a telecommunication system, comprising the steps of: depuncturing the first and second forward error correction coded signal wherein the bits that are punctured from the first forward error correction coded signal is different from the bits punctured from the second forward error correction coded signal. Claims 32 to 34, 45, 47 and 49 are directly dependent on claim 31, thus these claims are allowable over the prior art made of record.

10. Claims 26 to 30, 35 to 44, 46, 48 and 50 to 62 would be allowable once the 112 second paragraph rejection is overcome.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelly A Chase whose telephone number is 703-308-7246. The examiner can normally be reached on Mon-Thur from 8:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.



Shelly A Chase